

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK S. GROFF)
)
 Plaintiff)
)
 vs.) Civil Action
) No. 11-cv-03641
)
 CITY OF READING, PENNSYLVANIA)
 and)
 WILLIAM M. HEIM, Individually,)
)
 Defendants)

O R D E R

NOW, this 22nd day of October, 2012, upon consideration
of the following documents:

- (1) Defendants, City of Reading and William M. Heim's Motion for Summary Judgment Pursuant to Fed.R.Civ.P. 56, filed April 20, 2012 (Document 22); together with
 - (A) Defendants, City of Reading and William M. Heim's Memorandum of Law in Support of Motion for Summary Judgment Pursuant to Fed.R.Civ.P. 56 (Document 22-2); and
 - (B) Defendants City of Reading and William M. Heim's Statement of Undisputed Material Facts in Support of Motion for Summary Judgment Pursuant to Fed.R.Civ.P. 56 (Document 22-3);
- (2) Plaintiff Mark Groff's Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment Pursuant to F.R.C.P.56, which memorandum was filed on May 7, 2012 (Document 24); together with
 - (A) Plaintiff Mark Groff's Counterstatement of Undisputed Material Facts (Document 24-1); and

- (B) Plaintiff's Reply to Defendant's Statement of Undisputed Facts (Document 24-2);
- (3) Defendants City of Reading and William M. Heim's Reply to Plaintiff's Counterstatement of Undisputed Material Facts, which reply was filed on May 18, 2012 (Document 29); and
- (4) Defendants' Reply in Support of Motion for Summary Judgment Pursuant to Fed.R.Civ.P. 56, which reply was filed on May 21, 2012 (Document 31);

upon consideration of the pleadings, exhibits, depositions and record papers; and for the reasons articulated in the accompanying Opinion,

IT IS ORDERED that Defendants, City of Reading and William M. Heim's Motion for Summary Judgment Pursuant to Fed.R.Civ.P. 56 is granted in part, and denied in part.

IT IS FURTHER ORDERED that the motion for summary judgment of defendant City of Reading, Pennsylvania on the First Count of plaintiff's Complaint is denied.

IT IS FURTHER ORDERED that the motion for summary judgment of defendant William M. Heim, individually, on the Second Count of plaintiff's Complaint is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of defendant William M. Heim, individually, and against plaintiff Mark S. Groff on the Second Count of plaintiff's Complaint.

IT IS FURTHER ORDERED that Second Count is dismissed from plaintiff's Complaint.

IT IS FURTHER ORDERED that defendant William M. Heim is dismissed as a party to this action.¹

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge

¹ It is the sense of this Order that defendant William M. Heim is dismissed as a party to this action because (1) the First Count of this two-count Complaint is a count by plaintiff Mark S. Groff against defendant City of Reading, Pennsylvania only; (2) the Second Count is a count by plaintiff against defendant William M. Heim only; and (3) the Second Count has been dismissed.